

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-60071-CIV-SINGHAL

JIAN W. HUANG, CHRISTOPHER MORAN,
SCHWIFTY MINING CO., WESLEY
FAULKENBERRY, ERYN NUNNELLEE,
STUART NIXON, FOUNTAINHEAD HOLDINGS, LLC,
CHRISTIAN STROET, MATTHEW DONOVAN,
CHARM CITY MINING CORP., MICHAEL
ATWOOD, *et al.*,

Plaintiffs,

v.

COMPASS MINING, INC., and
WHITNEY J. GIBBS,

Defendants.

ORDER

THIS CAUSE is before the Court on a *sua sponte* review of Plaintiffs' Amended Complaint (DE [1]), filed on January 17, 2023. The Complaint was signed by Jian W. Huang, who is described as an "Attorney Pro Se." Jurisdiction is based upon diversity of citizenship, 28 U.S.C. § 1332(a), which exists where the matter in controversy is between citizens of different states.

The Amended Complaint has several deficiencies that prevent the Court from moving forward. First, a pro se litigant may represent himself, but may not represent other parties. Each person who wishes to appear pro se must sign the pleading and enter an appearance in the case. Second, at least three named Plaintiffs are corporate entities: Schwifty Mining Co., Charm City Mining Corp., and Fountainhead Holdings, LLC. "The rule is well established that a corporation is an artificial entity that can act only through agents, cannot appear pro se, and must be represented by counsel." *Palazzo v. Gulf Oil*

Corp., 764 F.2d 1381, 1385 (11th Cir. 1985). “The general rule applies even where the person seeking to represent the corporation is its president and major stockholder.” *Id.* Therefore, Jian W. Huang is not authorized to appear on behalf of the other Plaintiffs.


Additionally, the Amended Complaint fails to properly allege citizenship of the parties. A district court must “inquire into whether it has subject matter jurisdiction at the earliest possible stage in the proceedings” and must do so “*sua sponte* whenever it may be lacking.” *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999) (citations omitted).

The Amended Complaint alleges that Defendant Compass Mining Inc. is a Delaware corporation with its principal place of business in Delaware. (DE [1] ¶ 4). But the Amended Complaint fails to allege the citizenship of Defendant Whitney J. Gibbs or any of the Plaintiffs. The Amended Complaint alleges in conclusory fashion that “Plaintiffs are individuals, LLC’s [sic], and Corporations, and citizens of various states and countries.” *Id.* ¶ 3. These conclusory allegations are insufficient to establish diversity jurisdiction. Accordingly, it is hereby

ORDERED AND ADJUDGED that the Amended Complaint (DE [1]) is **DISMISSED WITHOUT PREJUDICE**. Plaintiffs shall file a Second Amended Complaint no later than **February 3, 2023**. All individual Plaintiffs who wish to appear *pro se* shall sign the pleading. Any corporate Plaintiff must be represented by counsel. Failure to comply with this Order will result in dismissal of the case without further notice.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 18th day of February 2023.

Copy furnished Jian W. Huang,
pro se, by US Mail



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE